

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL DOCKET NO.: 3:95CR178**

UNITED STATES OF AMERICA)
)
 vs.)
)
 KENNETH JAMES WALLACE (6),)
)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court on Defendant's Motion to Alter Pre-Sentence Report, filed May 18, 2006. The Government did not file a response.

On January 11, 1996, Defendant pled guilty to one charge of violating Title 21, United States Code, Section 846. On August 12, 1996, the United States Probation Office filed a Notice of Completion of Presentence Investigation Report. Subsequently, on November 13, 1996, Defendant was sentenced to 262 months imprisonment.¹

Defendant now asks the Court to amend the Presentence Report to include language regarding Defendant's history of substance abuse. Defendant requests this amendment so that he can participate in the Bureau of Prison's Residential Drug Abuse Program ("RDAP"). Defendant maintains that evidence regarding his history of substance abuse was not initially included in the Presentence Report due to his attorney's advice against making incriminating statements.

Pursuant to Rule 32(f), any objections to a presentence report - including objections to material information contained within or omitted - must be made within fourteen (14) days after receipt of the report. FED. R. CRIM. P. 32(f)(1). It has now been almost ten (10) years since the

¹This Court subsequently reduced Defendant's sentence to 180 months imprisonment.

United States Probation Office issued the Presentence Report in this case. Any objections to the Presentence Report are now untimely.

IT IS, THEREFORE, ORDERED that Defendant's Motion to Alter Pre-Sentence Report is hereby **DENIED**.

Signed: August 3, 2006

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

